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FILED
WILLIAMSPORT, PA

APR 30 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH J. TERZ
MICHELE E. LINCALIS

DOUGLAS HENRY THORNTON, :
Plaintiff :
v. : Civil No. 1:CV-00-1255
DONALD ROMINE, Warden, : (Kane, J.)
Defendant :

DEFENDANT ROMINE'S MOTION TO DISMISS

Defendant Romine asks this Court to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

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United States Attorney

Joseph J. Terz

JOSEPH J. TERZ
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Dated: April 30, 2001

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MIDDLE DISTRICT OF PENNSYLVANIA

DOUGLAS HENRY THORNTON, :
Plaintiff :
 :
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on April 30, 2001, she served a copy of the attached

DEFENDANT ROMINE'S MOTION TO DISMISS

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Douglas Henry Thornton
Reg. No. 37461-118
USP Allenwood
P.O. Box 3000
White Deer, PA 17887



MICHELE E. LINCALIS
Paralegal Specialist